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TO RUEHC/SECSTATE WASHDC 3800  
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INFO RUCNMEM/EU MEMBER STATES  
RUEHMRE/AMCONSUL MARSEILLE 1466  
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SUBJECT: GOF TO BE CONDEMNED BY EUROPEAN COURT OF JUSTICE

REF: (A) PARIS 506, (B) PARIS 2439

¶1. On December 12, the EU Commission proposed that the European Court of Justice (ECJ) fine the GOF a lump sum of 38 million euros and a daily penalty of 366,744 euros for not transposing EU Directive 2001/18 (the EU legal framework on the deliberate release of biotech products into the environment) into national law on time.

#### History of the French Biotech Bill

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¶2. Since adoption of EU Directive 2001/18, the GOF has grappled with how and when to transpose it into French law. The GOF opted for a wide biotech bill, which would not only transpose the Directive, but also set a framework for biotech/non-biotech coexistence rules in France. This ambitious project was first announced by President Chirac in October 2004, when a Parliamentary working group on biotech was created. In April 2005, this group released its final report including recommendations on the bill. On February 2006, the French Minister of Research presented a bill to the Senate (REF A), which adopted a text in March (REF B).

¶3. Since its vote by the French Senate in March, a biotech bill transposing the EU Directive has languished in the National Assembly for political reasons. The GOF failed to force this issue to a vote in view of upcoming Presidential and Parliamentary elections of Spring 2007.

#### Reaction of the GOF to the EC Decision

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¶4. However, in view of the December 12 announcement by the EU Commission, the GOF seems to be seriously reconsidering and may schedule a vote on the biotech bill by the National Assembly before its election recess, i.e., February 22, 2007.

¶5. The Associated Press and Reuters, as well as the French weekly newspaper "Le Nouvel Observateur" reported that the GOF spokesman said yesterday that "the biotech bill will be adopted by the end of the current legislature," as "it must and will be." According to the press, the GOF spokesman stated that the review of the bill by the National Assembly "will not take more than two or three days,"

especially since some decrees have already been drafted by the Ministries involved.

¶6. Comment: Given the highly-charged political atmosphere, the GOF may have intentionally waited for the Commission to exert pressure for transposing the EU Directive. While both supporters and detractors of ag biotech call for a clear legal framework as set out in the form of this bill, in view of the upcoming elections, a review and vote on the bill by the National Assembly is expected to be very tense. End comment.

Stapleton